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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,882	11/02/2001	Chit Chung	1316-US	4832

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TELCORDIA TECHNOLOGIES, INC.
ONE TELCORDIA DRIVE 5G116
PISCATAWAY, NJ 08854-4157

EXAMINER

HAMZA, FARUK

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/002,882	CHUNG ET AL.	
	Examiner	Art Unit	
	Faruk Hamza	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14, 15, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 8-13, 16-19 and 22 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 02 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed on November 02, 2001. Claims 1-22 are now pending.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-7, 14, 15 and 20, 21 are drawn to computer conferencing, classified in class 709, subclass 204.
 - II. Claims 8-13 and 22 are drawn to computer-to-computer protocol implementing, classified in class 709, subclass 230.
 - III. Claims 16-19 are drawn to cryptography, classified in class 713, subclass 189.
3. The inventions are distinct, each from the other because of the following reasons:

Inventions group I, group II and group III are related as combination and subcombinations. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the

subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because it distinctly relates to computer conferencing. The first subcombination has separate utility such as protocol implementing. The second subcombination has separate utility such as cryptography.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. During a telephone conversation with Mr. Joseph Giordano on February 16, 2005 a provisional election was made with traverse to prosecute the invention of group I, claims 1-7, 14, 15 and 20, 21. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-13, 22 and 16-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

6. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. The term "may be" in claim 1 and the term "may" in claim 4 and 7 are relative terms which renders the claim indefinite. The term "may be" and "may" are not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Therefor claims 1,4 and 7 are rejected.

9. Claim 3 recites the limitation "said database" in line 19. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 21 recites the limitation "said conference request" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

12. Claims 1-7, 14-15 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kung et al. (U.S. Patent Number 6,671,262) hereinafter referred as Kung.

13. Kung has disclosed:

- <Claim 1>

A communications system for spontaneous enterprise conferencing comprising:

at least one conference server located within a network; (Fig. 2, 224)

at least one routing server located within a network; (Fig. 2, 210)

at least one client software application associated with a user where said client software application may be separate from a user's communications device used for participation in a conference; (Column 18, lines 39-46)

a data communications network for enabling said associated user client software application to communicate with said conference server to initiate and receive conference participation requests; and (Column 34, lines 41-49)

wherein said conference server maintains presence and availability data for each said other users for each conference established and wherein said routing server establishes the communications media connection to said user's communication device for participation in said established conference. (Fig.2, 210 ;Column 34, lines 1-12).

- <Claim 2>

The system of claim 1 wherein said conference server is comprised of a means for authenticating a users access to a conference. (Column 33, lines 39-51).

- <Claim 3>

The system of claim 1 wherein said conference server is comprised of a means managing and updating said presence and availability lists stored in said database. (Column 35, lines 66-67; Column 36, lines 1-6).

- <Claim 4>

The system of claim 1 further comprising:

a database containing a lists of other users for which a first user may want to know of the their presence and availability in said system and wherein said conference system retrieves from said database said list of users for said first user to establish said conference. (Column 35, lines 66-67; Column 36, lines 1-6).

- <Claim 5>

The system of claim 1 wherein said routing server is further comprised of:

a public switched telephone network gateway; (Fig. 2, 232)

a means for multipoint audio conferencing; and (Fig. 3, 332)

a means for multipoint text conferencing and (Fig. 3, 334)

a means for application sharing. (Column 16, lines 56-66)

- <Claim 6>

The system of claim 5 further comprising:

a mixing means located within each of said clients for mixing the communications from any one of said conferences sent by either said means for multipoint audio conferencing or said means for multipoint text conferencing. (Column 30, lines 20-29).

- <Claim 7>

A spontaneous enterprise communications server comprising:

a database containing lists of other users one user may want know of their presence and availability; (Column 35, lines 66-67; Column 36, lines 1-6).

a means for authenticating a users access to a conference a means managing and updating said presence and availability lists stored in said database; (Column 33, lines 39-67; Column 34, lines 1-12).

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a public switched telephone network gateway; (Fig. 2, 232)

a means for multipoint audio conferencing; and (Fig. 3, 332)

a means for multipoint text conferencing. (Fig. 3,334).

- <Claim 14>

The system of claim 2 further comprising:

a means for service registration. (Column 7, lines 56-63)

- <Claim 15>

The system of claim 1 further comprising:

an enterprise directory. (Column 35, lines 53-67; Column 36, lines 1-6)

- <Claim 20>

A method for creating a conference in a system having a client server architecture, wherein said method comprises:

sending message from a first user client to a communications control process to initiate a conference; (Fig. 11, 1101)

creating a conference object in said communication control process located in a control server for maintaining the presence and availability data of users to participated in said conference; (Fig. 11, 1103-1129)

requesting a conference communications facility from a multiparty control process located in a routing server; (Column 26, lines 10-17; Fig. 11, 1103-1113)

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returning a conference identifier to said first user client; and (Fig. 11, 1115)

establishing a communications path from a user's communications device to said multiparty control process. (Column 26, lines 10-17)

- <Claim 21>

The method of claim 20 further comprising the steps of:

requesting that a second user join said conference; (Fig. 13, 1301)

checking the presence and availability to see if said second user is able to join said conference; (Fig. 13, 1305)

forwarding said conference request to said second users client; (Fig. 13, 1325)

said second user client sending a join message back to said conference controller specifying a device address and media to be used for the conference; (Column 33, lines 52-67)and

connecting said second users device to said multiparty control process. (Column 26, lines 10-17)

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Ludwig et al. (U.S. Patent Number 6,237,025) discloses multimedia collaboration system.
- Porter (U.S. Patent Number 6,434,599) discloses a method and apparatus for on-line chatting.
- Weller (U.S. Patent Number 6,662,211) discloses a method and system for providing conference service in telecommunication system.
- Suga et al. (U.S. Patent Number 6,668,048) discloses a conference communication system.
- Kowal et al. (U.S. Patent Number 6,760,422) discloses method for conference call service

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached at 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER